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APPLICATION NO	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09/834,249	04/11/2001	Kelly J. Reasoner	10004965-1	5874

7500 01/30/2003

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Intellectual Property Administration
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[REDACTED] EXAMINER

NGUYEN, JIMMY

ART UNIT	PAPER NUMBER
2829	

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

	Application No.	Applicant(s)
	09/834,249	REASONER, KELLY J.
	Examiner	Art Unit
	Jimmy Nguyen	2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication
- Failure to reply within the set or extended period for reply will by statute cause the application to become ABANDONED (35 U.S.C. § 133)
- Any reply received by the Office later than three months after the mailing date of this communication even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b)

Status

1) Responsive to communication(s) filed on 09 December 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 8 -12, 20 -24 and 34 -38 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 8 -12, 20 -24 and 34 -38 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claims Status

The examiner acknowledges claims 1 –7, 13 –19 and 25 –33 have been canceled.

Claims 8 –12, 20 – 24 and 34 – 38 are now pending in the application

Response to Argument

The applicant's argument has been considered with the following effect;

The applicant admits that Cake et al describe the sense signal or indication as supplying a signal from the probe to the oscilloscope. This indication capable of conveying information to an oscilloscope (page 5 line 3 –8). This is not different than an mode display on the probe giving the user information about the state of the test instrument . In Cake et al, the indication is from the probe at the point of contact to the scope and then convey the information the user.

The applicant further argues that nowhere in Cake et al disclose, teach, or suggest any mode display capable of visually representing a configuration of test instrument . The examiner disagree, one with an ordinary skill in the art can understand that a scope has a mode display function which capable of visually the test result. Moreover, the prior art of record (US 4114094) also disclose the LED display.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8 –12; 20 –24 and 35 –38 are rejected under 35 U.S.C. 102(b) as being anticipated by Cake et al (US 5293122).

As to claims 8, 20, 34, Cake et al disclose an electrical probe (fig 1A) including

A probe body (12);

A probe tip (14) mechanically coupled to probe body (12), wherein probe tip (14) is capable of being non-permanently electrically coupled to an external test instrument(throughout connector 22); and

A control device (16 on/off switches) mechanically coupled to probe body (12), wherein control device (16 on/off switches) is capable of being non-permanently electrically coupled (22) to test instrument and

A communication port (22) mechanically coupled to probe body (12), and electrically coupled to control device (16 on/off switches) and probe tip (14),

wherein communication port (22) is capable of being non-permanently electrically coupled to an electrical test instrument (scope)

A mode display (scope) mechanically coupled to probe body (12) and electrically coupled to test instrument visually representing a configuration of test instrument.

As to claims 9 – 12, 21 –24, 35-38, Cake et al disclose the mode display is
Liquid Display (scope, column 2 line 5 - 15)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy Nguyen at (703) 306-5858. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4900.

JN.
Jan 23, 2003



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